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July 6, 2005
Date

Ellen Huffman
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wheeler, et al.	Art Unit: 2132
Application No.: 09/681532	Examiner: Venkatanarayanan Perungavoor
Filed: 4/24/2001	Attorney Docket No.: 800529
Title: System And Method For Determining User Identity Fraud Using Similarity Searching	

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RESPONSE UNDER 37 CFR 1.113

Introductory Comments

In an Office Action having a mail date of July 6, 2005, the Office has again rejected claims 1, 3-8, 14-17, 26 and 27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,774,650 to Chapman et al. Applicants contend that the Office has not established a *prima facie* case for anticipation, since there are patentably distinguishable claimed features between the invention represented by these claims and reference disclosure of Chapman et al. In the July 6, 2005 Office Action, the Office has also rejected claims 2, 9-11, 13, 18-24, and 28-30 under 35 U.S.C. § 103(a) as being unpatentable over Chapman et al. (U.S. Patent No. 5,774,650) in view of U.S. Patent No. 6,026,398 to Brown et al. Applicants contend that the Office has not established a *prima facie* case for obviousness, since the prior art references of Chapman and

Brown, when combined, do not teach or suggest all limitations of these claims. Reconsideration and allowance of the application are requested.

Comparisons of Applicants' claim elements with the asserted equivalents in the Chapman and Brown references cited by the Office are shown in Tables 1-5. The disparity between Applicants' claim elements and the passages cited by the Office demonstrate the undue reconstruction and impermissible hindsight relied upon to form a basis for the claim rejections.

No new amendments have been submitted to the description, figures or drawings. A copy of the claims, as amended, is contained in Appendix A for reference purposes.

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/681532	
	Filing Date	04/24/2001	
	First Named Inventor	Wheeler, David B.	
	Art Unit	2132	
	Examiner Name	Perungavoor, Venkatanarayanan	
Total Number of Pages in This Submission	59	Attorney Docket Number	800529

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